

STATE OF NEW YORK

5366--A

2017-2018 Regular Sessions

IN SENATE

March 23, 2017

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to the handling fee paid to a dealer or operator of a redemption center for the redemption of empty beverage containers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 6 of section 27-1007 of the environmental
2 conservation law, as added by section 4 of part SS of chapter 59 of the
3 laws 2009, is amended to read as follows:

4 6. (a) In addition to the refund value of a beverage container as
5 established by section 27-1005 of this title, a deposit initiator shall
6 pay to any dealer or operator of a redemption center a handling fee [~~of~~
7 ~~three and one-half cents~~] for each beverage container accepted by the
8 deposit initiator from such dealer or operator of a redemption center as
9 specified in paragraphs (b), (c) and (d) of this subdivision. Payment of
10 the handling fee shall be as compensation for collecting, sorting and
11 packaging of empty beverage containers for transport back to the deposit
12 initiator or its designee. Payment of the handling fee may not be condi-
13 tioned on the purchase of any goods or services, nor may such payment be
14 made out of the refund value account established pursuant to section
15 27-1012 of this title. A distributor who does not initiate deposits on a
16 type of beverage container is considered a dealer only for the purpose
17 of receiving a handling fee from a deposit initiator.

18 (b) Except as otherwise provided in this subdivision, the handling fee
19 paid shall not be less than five cents.

20 (c) Beginning December thirty-first, two thousand eighteen, each year
21 a new federal or New York state minimum wage is to take effect, but not
22 later than the date that the new federal or New York state minimum wage

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 is to take effect, the commissioner shall determine the handling fee to
2 be in effect pursuant to this subdivision. Subject to paragraph (d) of
3 this subdivision, the handling fee determined pursuant to this subdivi-
4 sion shall be:

5 (i) not less than the amount in effect under paragraph (b) on the date
6 of such determination;

7 (ii) increased from such amount by the percentage increase in the
8 newly effective federal or New York state minimum wage; and

9 (iii) rounded to the nearest multiple of \$0.005.

10 (d) The handling fee shall only be increased by the percentage
11 increase in a newly effective federal minimum wage pursuant to paragraph
12 (c) of this subdivision if the federal minimum wage is set at an amount
13 higher than the New York state minimum wage. Otherwise, the handling fee
14 shall be increased only by the percentage increase in a newly effective
15 New York state minimum wage pursuant to paragraph (c) of this subdivi-
16 sion. If a newly effective New York state minimum wage increases based
17 on a wage rate schedule that varies throughout New York state, then the
18 percentage increase to be used for calculating the handling fee shall be
19 based on the wage rate applicable to city of New York employers with
20 eleven employees or more pursuant to paragraph (c) of this subdivision.

21 § 2. This act shall take effect immediately.